



## Johnson Space Center Policy Directive

JPD No.: 3713.4N  
Effective Date: 5/14/2009  
Expiration Date: 5/14/2014

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Compliance is Mandatory

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# Equal Employment Opportunity (EEO) Policy, Designation of JSC Equal Opportunity Officer, and Redlegation of Authority to Act in Matters Pertaining to Discrimination Complaints Processing

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**Responsible Office: JSC Office of Equal Opportunity and Diversity**

## **1. POLICY**

a. It is JSC policy to adhere to all Equal Employment Opportunity (EEO) program policies of NASA as stated in the various NASA Policy Directives for which the NASA Office of Diversity and Equal Opportunity is responsible. In part, these policy documents state that:

(1) NASA will provide EEO for all employees and applicants for employment regardless of their race, color, religion, sex, age, national origin, sexual orientation, or disability. Pursuant to this policy, NASA prohibits discrimination based on race, color, religion, sex, age, national origin, sexual orientation, or disability in all aspects of its organization, facilities, and programs, including personnel policies, technical program operations, and management practices. NASA also strives to provide and maintain a work environment that is free of sexual harassment, and free from reprisal or retaliation for engaging in protected EEO activity.

(2) NASA will promote the full realization of Equal Opportunity (EO) through a continuing affirmative employment program. NASA is fully committed to implementing all Federal laws, regulations, and guidelines relative to the development of affirmative employment plans, and annual reporting of accomplishments against those plans. NASA's affirmative employment plans include affirmative efforts in outreach and recruiting and, where appropriate, in hiring, promoting, and training of women, minorities, and individuals with disabilities. Equal employment efforts also include monitoring of employment practices in the areas of hiring, transfers, reassignments, promotions, awards, benefits, and separations to gain and maintain a talented NASA workforce that is culturally and gender diverse and that accommodates individuals with disabilities.

(3) NASA will not sponsor, support, or assist, directly or indirectly, any conference, convention, or meeting held under circumstances in which participants are unlawfully segregated or are

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<http://server-mpo.arc.nasa.gov/Services/CDMSDocs/Centers/JSC/Home.tml>.

JSC Form JF2420A (MS Word August 28, 2006) (Revised May 30, 2007)

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treated unequally because of race, religion, color, sex, age, disability, sexual orientation, or national origin.

b. It is also the policy of JSC to ensure:

(1) All personnel actions and employment practices are based on merit.

(2) All JSC employees have the maximum opportunity to enhance skills in order to perform at their highest potential; all employees have the maximum opportunity to fully utilize their skills and abilities; and all levels of JSC management receive sufficient training and orientation to ensure their understanding and implementation of the policy expressed in Executive Order 11478, its amendments, and the Equal Employment Opportunity Act of 1972.

(3) Complaints of discrimination are given prompt and fair consideration and every effort is made to provide for just and expeditious disposition of each complaint, including through the alternative dispute resolution (ADR) process.

c. It is also JSC policy that complaints alleging discrimination based on race, color, religion, sex, age, national origin, sexual orientation, disability, or reprisal will be processed in accordance with NASA policy.

d. An aggrieved person (or his/her representative) must initiate contact with an EEO Counselor within 45 days of an alleged discriminatory incident in order to file a complaint unless:

(1) He or she did not and reasonably should not have known that the discriminatory incident occurred within the time limits; or

(2) Despite due diligence he or she was prevented by circumstances beyond his or her control from contacting the counselor within the time limits.

## **2. APPLICABILITY**

This JPD is applicable to all JSC and White Sands Test Facility civil servants.

## **3. AUTHORITY (All document citations are assumed to be the latest version unless otherwise noted.)**

a. 42 U.S.C. 2000e-16, Title VII of the Civil Rights Act of 1964, as amended.

b. 29 U.S.C. 633a, the Age Discrimination in Employment Act of 1967, as amended.

c. 29 U.S.C. 791, 794 and 794a, the Rehabilitation Act of 1973, as amended.

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- d. 38 U.S.C. 4214, the Vietnam Era Veterans Readjustment Assistance Act of 1974.
- e. 42 U.S.C. 2000d to 2000d-4, Title VI of the Civil Rights Act of 1964.
- f. 20 U.S.C. 1681 to 1688, Title IX of the Education Amendments of 1972, as amended.
- g. 42 U.S.C. 6101 et seq., The Age Discrimination Act of 1975.
- h. 29 U.S.C. 206(d), The Equal Pay Act of 1963.
- i. Executive Order 11478, Equal Employment Opportunity in the Federal Government, dated August 8, 1969, as amended.
- j. NPD 3713.2, "Federal Equal Opportunity Programs of NASA"
- k. NPD 3713.6, "Delegation of Authority – To Act in Matters Pertaining to Discrimination Complaints Processing Under 29 CFR Part 1614"

**4. APPLICABLE DOCUMENTS (All document citations are assumed to be the latest version unless otherwise noted.)**

- a. Executive Order 11478, Equal Employment Opportunity in the Federal Government, dated August 8, 1969, as amended.
- b. NPD 3713.8A, "Provision of Reasonable Accommodation for Individuals with Disabilities"

**5. RESPONSIBILITY**

- a. The JSC Center Director will exercise personal leadership in establishing, maintaining, and implementing a continuing EO program to promote EO in every aspect of Agency personnel policy and practice in the employment, development, advancement, and treatment of employees. The Director will also be held accountable for maintaining an environment in which equity and diversity can flourish within JSC's programs, missions, or strategic enterprises; for adhering to NASA's EO and affirmative employment goals; and for ensuring that NASA and its representatives do not support or participate in any external activities that practice unlawful discrimination.
- b. JSC managers and supervisors are responsible for implementing this policy as reflected in the Performance Planning and Annual Appraisal Process, which documents any general and/or specific requirements.
- c. Every JSC employee is responsible for adhering to NASA's nondiscrimination policies and standards of conduct with respect to ensuring equal opportunity in the workplace.

## **6. DELEGATION OF AUTHORITY**

The Director of the JSC Office of Equal Opportunity and Diversity is designated as the JSC Equal Opportunity (EO) Officer with the authority enumerated in NPD 3713.6 as redelegated by the JSC Center Director. The JSC EO Officer has the authority to resolve individual and class complaints and require appropriate remedial actions at any time prior to issuance of a Final Agency Decision (FAD) by the Assistant Administrator for Diversity and Equal Opportunity or the receipt of a recommended decision from an Administrative Judge of the Equal Employment Opportunity Commission and subsequent FAD by the Assistant Administrator for Diversity and Equal Opportunity. The authority of this paragraph may not be further delegated.

## **7. MEASUREMENT/VERIFICATION**

The JSC EO Officer shall ensure that feedback is provided to the Center Director to keep him/her fully informed of significant actions, problems, and other substantive matters as it relates to the exercise of the redelegated authority. The JSC EO Officer also shall ensure that reports are prepared and forwarded to the proper Agency Officials to satisfy all required EEO reporting requirements that include:

- a. Discrimination complaint reporting covering both formal complaints and pre-complaint counseling.
- b. Affirmative employment plans and accomplishment reports relative to workforce integration of minorities, women, and individuals with disabilities.
- c. Affirmative action plans and accomplishment reports relative to recruitment, hiring, placement, and advancement of disabled veterans, particularly with 30-percent or more disability.

## **8. CANCELLATION/RECISION**

JSC Policy Directive 3713.4M, dated December 15, 2003, has been revised. Changes are not annotated.

*Original Signed By:*

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Michael L. Coats  
Director

Distribution:  
JDMS